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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/686,751

10/16/2003

Michael R. Furst

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EXAMINER

ESKANDARNIA, ARVIN

ART UNIT

PAPER NUMBER

2453

MAIL DATE

DELIVERY MODE

12/22/2011

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/686,751

Applicant(s)

FURST ET AL.

Examiner

ARVIN ESKANDARNIA

Art Unit

2453

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 05 December 2011 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____.
13. ☒ Other: See Continuation Sheet.

/Krista M. Zele/
Supervisory Patent Examiner, Art Unit 2453

/ARVIN ESKANDARNIA/
Examiner, Art Unit 2453

Continuation of 13. Other: Response to Arguments

Regarding the independent claims 26 and 36:

Applicants argue that Hand does not disclose identification or classes of information as recited in the independent claims 26 and 36. The examiner respectfully submits that Hand disclose that the agents instantiate classes implemented by device specific modules and call methods from each classes to access data from the devices. However in the application there is no indication of what specific type of information or classes of information is claimed. Therefore, by applying the broadest reasonable interpretation, the examiner respectfully submits that Hand does disclose identification of classes of information as required by the independent claims. Further clarification of claim language is respectfully requested.

Also applicants argue that Hand does not disclose that the model includes mappings indicating how the classes of information can be communicated to or from the first product. The examiner however, respectfully submits that Hand clearly discloses (Hand, 5:18-21) that device specific modules provide the mapping or translation of the device communication classes and the device specific APIs. In other words the device specific modules provide necessary information and/or instruction indicating how to communicate with each device in the network. Applicant further argue that office has distilled the related claim recitation down to a general - communication of information-"gist" and overlooks the distention between the cited subject matter of column 5 and the recitation on claim 26 and 36. However, the examiner respectfully submits that office has applied the broadest reasonable interpretation of the claim subject matter as required by the MPEP §2111.

Furthermore, the applicants argue that Hand's calling the methods from the classes does not disclose reading an interchangeable device model or that at least one respective device model agent is operative to read an interchangeable device model. The examiner however respectfully disagrees and submits that Hand discloses that the methods of classes are called in order to access data from the devices. (Hand, 4:31-40) Accessing information or data from other devices simply means reading the information about that device which it can include reading the device model.

Regarding the argument that Hand does not disclose that a device model agent provides information to a unit according to an interchangeable device model that is read by the device model, the examiner respectfully submits that Hand discloses the CIM providers obtain the requested device specific information or perform the device related operations and return any obtained information to the CIMOM to return to the CIM client (Hand, 4:4-7). Therefore, the requested information is obtained and provided to the appropriate device. Even though this citation is not word to word the same as the claim language and limitations (although not necessary), it would be appreciated by one of the ordinary skilled in the art that Hand discloses the necessary operation to provide information to another unit according to specific information obtained from each device.

Applicants argue that the cited document (Hand et al.) requires custom software for each device that includes access information hardcoded into the software. The examiner however disagrees and submits that the information about another device cannot be hardcoded in software because the information in question is accessed from within the device as the implemented software is configured to obtain. The CIM providers assess data from the devices 6a and 6b as indicated in Col.4:31-40. This simply means that the information is achieved from the device but not from the software itself as being hardcoded. Furthermore, the examiner would like to point out that even if the information is arguably hardcoded within a device or software, the claimed limitation of current application indicates that "... each member the of the family of device models includes at least identifications of classes of information that can be communicated to an/or from the each of the products of the family of products and mappings indicating how the classes of information can be communicated to and/or from the first device," and that clearly means that the information about the family of products are hardcoded into the family of device models.

Regarding the applicants argument that reciting column 3 of Hand is new and amounts to a new grounds of rejection the examiner respectfully submits that this recitation was previously submitted by the office in office action mailed on or around June 22, 2011 and was not newly added. However, the applicant should take the recited document as a whole and don't just rely on the cited portion of the prior art reference(s). Any more citation or explanation added to the response to argument section of the office action is considered as further explanation and clarification of the rejection and the rejection sections stands as the main reason for rejection.

Applicants argue that "an indication that the CIMOM communicates with clients does not disclose that the CIMOM is operative to exchange information with at least one respective device model agent." The examiner respectfully disagrees and submits that the reason for establishing a communication session between two different devices in a network or within networks is to communicate and therefore exchange some kind of information between devices in the system. What would be the reason for communication if there is nothing to communicate? Communication basically involves data transfer from one device to another through a communication medium.

Regarding the argument on rejection of claim 36, that office action completely overlooks arguments related to the particular kinds of information recited, for example in claim 36, the examiner respectfully submits that the rejection of claim 26 reasonably applies to claim 36 as well and Hand discloses where the different information regarding the devices and the services such as providing the status change information for all instances of particular device types. It would have been an intended use to choose to exchange any type of information desired by the system administrator or simply a user.

Regarding the dependent claims 27 and 37:

Applicants argue that Hand does not disclose a copy of the device model agent. However the examiner believes that the CIM providers 10a-10b are configured to perform similar tasks and are adapted to perform same functions therefore one easily can replace the other (Hand, Fig. 1, Ref. 10a-10b). That is if one device can be copied and perform same task as the original copy. Having another copy of device model agent does not give patentable wait to the claimed subject matter.

Regarding the dependent claims 28 and 38:

The applicants argue that the office action is not complete with regards to answering arguments on claims 28 and 38. The examiner however believes that substances of theses argument on these two dependent claims have been answered as follows:

Applicants argue that Hand does not disclose a service provider operative to provide at least one of updated software, software

updates, billing services, maintenance services and repair services. However the examiner respectfully submits that Hand discloses that the PropertyChangeListener class is used to provide status change information where the status change can comprise updating the information on the device (Hand, 6:8-25). Furthermore, examiner respectfully submits that providing services such as updating or upgrading software, providing billing services, etc. by the service provider are well known in the art and cannot be considered as an inventive concept. As mentioned above, the PropertyChangeListener is used to provide information such as status change information therefore it is capable of exchanging information as argued. Regarding the argument that the examiner has used new grounds of rejection which was not necessitated by any amendment, the examiner respectfully submits that this section of response to argument is for clarification and explanation purposes and the main rejection of claims are the same as the previous office action.

Regarding the dependent claims 29 and 39:

Applicants argue that Hand does not disclose that the CIM providers are included in the devices 6a and 6b or within a physical add-on module that is connected to the respective device 6a and 6b. However the examiner respectfully disagrees and submits that as disclosed in Col. 4, Lines 65-67 the CIM clients and CIM providers may be implemented on different computing devices or executed on the same computer device. This clearly shows that the CIM provider can be anywhere on any computing device including the devices 6a and 6b of Hand.

Regarding the dependent claims 30 and 40:

Applicants argue that Hand does not disclose an application server that is operative to receive application software modules. However, the examiner disagrees and submits that the CIM provider of Hand can be the application server that can obtain or receive the requested device specific information or perform the device related operations and return any obtained information to the CIMOM 2 to return to the CIM client (Hand, 4:1-7). Since the requested device specific information can be obtained or received by the CIM provider, therefore clearly any type of information can be obtained (therefore transmitted) to or from the CIM provider. The fact that the application server is being operative to make software application module available for transmission to and install on a respective device model agent is known in the art and is not being considered as an inventive concept. Regarding the argument that the examiner has used new grounds of rejection which was not necessitated by any amendment, the examiner respectfully submits that this section of response to argument is for clarification and explanation purposes and the main rejection of claims are the same as the previous office action.

Regarding the dependent claims 32 and 42:

Regarding the applicants' argument that Hand does not disclose that an application programming interface is operative to determine which means of communications are available to the application programming interface, to select one or more communication means, the examiner respectfully submits that Hand discloses that the vendors may code specific APIs which include methods having device specific commands. The device specific commands can clearly include commands and information regarding how the communication is to take place and how and which type of communication means is available in the system in order to be able to communicate with the device. This is specifically true since devices in a specific network might have different specification and different ways and means of communication. (Hand, Col.5:14-18).

Note: The citation for rejecting these claims has been maintained in the rejection portion of the mailed office action. Please refer to the rejection section of the office action. No new grounds of rejection has been added to the claim rejections.

Regarding the dependent claims 33 and 43:

Applicants further argue that Hand does not disclose that application programming interface supports communication via at least HTTP, HTTPS, JMS, email, 10BaseT. etc. However, the examiner respectfully submits that Hand does show a transport mechanism such as TCP and an application protocol such as HTTP to communicate with CIM clients therefore Hand's system supports the communication via at least HTTP.

Regarding the dependent claims 34 and 44:

Regarding the applicants' argument that Hand disclosure of recitation of claims 34 and 44 are in the background section of the reference, the examiner respectfully submits that even though the concept is well known in the art and is not considered as an inventive concept, however this cited portion of Hand's specification clearly shows that it would be obvious to one of the ordinary skilled in the art to be able to have capability of addition of new service to the existing services.

Regarding the dependent claim 35:

Finally applicants argue that Hand does not disclose an image processing device. The examiner respectfully disagrees and submits that any device that have the capability of displaying an image and/or process the image to be displays can be considered as an image processing device.